

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 21

MAILED

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 20 1998

**PAT & TM OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT J. DICKINSON and CHRISTOPHER P. RANDELL

Appeal No. 98-2326
Application No. 08/427,070¹

ON BRIEF

Before McCANDLISH, *Senior Administrative Patent Judge*, ABRAMS and McQUADE, *Administrative Patent Judges*.

ABRAMS, *Administrative Patent Judge*.

REMAND TO THE EXAMINER

In our decision dated August 20, 1998, this panel of the Board affirmed the decision of the examiner finally rejecting claims 14-17. Pursuant to 37 CFR § 1.196(b), we also entered a new rejection of claims 14-17 under 35 U.S.C. § 251 and,

¹ Application for patent filed April 24, 1995. According to appellants, this application is a reissue of U.S. Patent No. 5,207,224 issued May 4, 1993, based on Application No. 07/855,116 filed March 18, 1992; which is continuation of Application No. 07/441,637 filed November 27, 1989, now abandoned.

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alternatively, under 35 U.S.C. § 112, first paragraph, on the basis that these claims contained new matter not supported by the original disclosure. In accordance with 37 CFR § 1.196(b)(1), the appellants have elected to have the new ground of rejection reconsidered by the examiner, and have provided a showing of facts in support of their position. This being the case, we hereby remand this application to the examiner for appropriate action.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

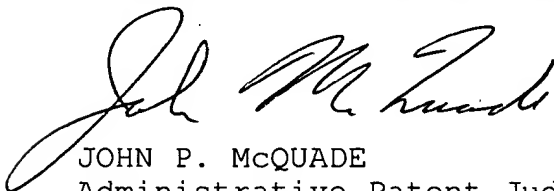
REMANDED



HARRISON E. McCANDLISH, Senior
Administrative Patent Judge



NEAL E. ABRAMS
Administrative Patent Judge



JOHN P. McQUADE
Administrative Patent Judge

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